



*United States Bankruptcy Court
Western District of Kentucky
Office of the Clerk
United States Courthouse
601 West Broadway, Suite 450
Louisville, Kentucky 40202-2264*

*Diane S. Robl, Esq.
Clerk of Court
Julie A. Cobble, Esq.
Chief Deputy Clerk

(502) 627-5700*

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Dear Bankruptcy Practitioner:

A number of bankruptcy practitioners are either failing to include a fee with their filings or are charging a fee when none is required. To this point, we have taken time to review these matters, contact the practitioner and urge other action as soon as possible. Beginning October 1, 2004, we will no longer review these matters and make calls to practitioners. If a fee is due and has not been paid within 48 hours of the filing, the matter will be dismissed. If a fee has been paid erroneously, the matter will not be addressed except by motion to the Court requesting such action.

Attached is a copy of the newly revised Local Rules of the U. S. Bankruptcy Court to become effective October 1, 2004. They are being circulated to you for comment. If you have comments, please email me at diane_robl@kywb.uscourts.gov. If you wish to comment by phone, please call me or Julie Cobble, Chief Deputy Clerk, at 502-627-5800.

The following changes have been made to these Local Rules:

1. The Local Rules have been revised based on the Guidelines for Drafting and Editing Court Rules by Bryan A. Garner, which recommends that rules be clear, be readable, be as brief as clarity and readability permit and be organized to serve clarity, readability and brevity.
2. The Local Rules continue to be organized logically rather than by Uniform Number. However, we have added a cross reference section which allows you to search for a particular Uniform Number.
3. All General Orders enacted after the effective date of the last Local Rules revision - May 1, 1997 - have been incorporated.
4. The Local Rules now contain hyperlinks to other Local Rules or Forms as cited, allowing you to move quickly to the referenced item.
5. The Forms section now organizes each form with a letter rather than a number. All forms have been edited to reflect the new electronic environment in which we operate.
6. Local Rule 3.1, which addresses Eligibility of Attorney to Practice, has been changed to incorporate the requirement that attorneys adhere to these Local Rules.

7. Local Rule 3.8 was modified to require an attorney who makes an appearance for a party in court to file also a notice of appearance.
8. Local Rule 5.3 has been modified to address what to do in case of failure of the CM/ECF system or failure of the Filing User's system.
9. **Local Rule 6 which addresses Electronic Filing has been changed to eliminate the option to submit paper filings with an affidavit or to submit filings by disk. All filings except those from *pro se* parties must be filed electronically. A computer terminal is available in the Clerk's Office for use by those who presently do not file electronically.**
10. Local Rule 6.9 was modified to clarify that with electronic filing, resulting orders shall be served upon a debtor by debtor's attorney and not by the Clerk's Office. The Clerk's Office only serves a debtor with orders giving notice required under Fed.R.Bankr.P. 2002.
11. Local Rule 6.11 - Public Access - & Rule 11.1 - Evidentiary Hearing and Trial Practice - have been modified to require that all transcripts and exhibits be filed electronically unless impracticable or unless otherwise ordered by the Court.
12. Local Rule 6.10 was modified to clarify that even with a technical failure the Court cannot extend the time to file dischargeability complaints and notices of appeal.
13. Local Rule 6.12 (e) was changed to reflect the practice of loading creditor data rather than submitting a paper matrix.
14. Local Rule 6.14(b) addresses procedures for filing documents with personal data identifiers under seal and the procedure for filing a reference list under seal.
15. All addresses for notice under Local Rule 7 have been updated.
16. Under Local Rule 8.2, attorneys in Chapter 7 cases are now allowed to combine motions for relief from stay and motions for abandonment. The Fee Schedule allows these motions to be combined and only one fee paid.
17. Local Rule 9.1 - Motion for Relief has been modified to define clearly the practice in Chapter 7 and Chapter 13 cases and included in the Chapter 13 real property mortgage arrearage cases a requirement for a payment history.
18. Local Rule 16 - Unclaimed Funds - has been added to publish our procedures for the release of unclaimed funds and a form for requesting the release of unclaimed funds is now located in the Local Forms section.
19. Local Rule 17 - Registry Fund - has been added to publish our procedures for deposit to or withdrawal from registry.

We hope that these revisions are of assistance to the public and the bar and that they clarify practices that are unique to this district. If you have questions about these rules, please call Julie Cobble or me at 627-5800. Thank you.

Sincerely,

Diane S. Robl, Esq.
Clerk of Court